

SENATE JOURNAL

SIXTY-SEVENTH LEGISLATURE - FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Monday, July 13, 1981)

In obedience to the Proclamation of The Honorable William P. Clements, Jr., Governor of the State of Texas, the Senate met in the Senate Chamber of the State Capitol at Austin, Texas, on the thirteenth day of July, 1981, at 12:00 o'clock noon and was called to order by The Honorable William P. Hobby, Lieutenant Governor and President of the Senate.

The President directed the Secretary of the Senate to call the roll of the Senate.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Caperton.

The President announced a quorum of the Senate present.

The Reverend Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father, as we commence this special assembly, remind us that whoever said, "talk is cheap", never counted the cost of a legislative session. Amen.

LEAVE OF ABSENCE

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Glasgow.

CO-AUTHORS OF SENATE BILL 5

On motion of Senator Wilson and by unanimous consent, Senators Andujar, Brown, Glasgow, Harris, Howard, Leedom, Meier, Sarpalius, Williams, Richards, Travis, Mengden and Ogg will be shown as Co-authors of S.B. 5.

PROCLAMATION FROM GOVERNOR CALLING SPECIAL SESSION

The President laid before the Senate the following Proclamation from the Governor.

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

41-1804

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 8 of the Constitution of Texas, I call a Special Session of the 67th Legislature to convene in Austin, Texas at 12:00 noon on Monday, July 13, 1981.

The topics to be considered are:

- 1). Repeal of the state ad valorem tax.
- 2). Creation of a Texas water trust fund.
- 3). Congressional redistricting.
- 4). Revision of the property tax code.
- 5). Consideration of the medical practice act.

IN TESTIMONY WHEREOF, I have
hereunto signed my name
officially and caused the Seal
of State to be affixed hereto
at Austin, this 11th day of
June, A.D., 1981.

/s/W. P. Clements, Jr.
GOVERNOR OF TEXAS

The Proclamation was read and was filed with the Secretary of the Senate.

SENATE RESOLUTION 1
(Caucus Report)

Senator Mauzy offered the following resolution:

Honorable William P. Hobby
Lieutenant Governor
Senate of Texas
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 27 members of the Senate, the following recommendations were made, to wit:

The following officers were elected to serve for the 67th Legislature, First Called Session, at the will of the Senate:

Secretary of the Senate - Betty King
Sergeant-at-Arms - Kelly Arnold
Doorkeeper - Lowell Gault
Calendar Clerk - Kay Hughes
Enrolling Clerk - Patsy Spaw

Journal Clerk - Margrette Vollers

Staff Services Clerk - Mary K. McLean

Gerald Mann, Senate Chaplain for the 67th Legislature, First Called Session, on a non-salary basis.

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the 67th Legislature, First Called Session.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee respectively. The Parliamentarian, Camilla Bordie, is to be named by the Lieutenant Governor.

It is further recommended that the Administration Committee appoint a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as may be necessary. The President of the Senate is authorized to designate any member of the Senate or Senate staff to attend official meetings of the Council of State Governments, or other national governmental organization during the 67th Legislature, First Called Session, while in session. Actual and necessary expenses are hereby authorized as reimbursement for such trips.

It is further recommended that each Senator shall be permitted \$10,000.00 per month for secretarial and other office staff and for intrastate travel expenses for staff employees. Any unexpended portion of this amount may be carried forward from month to month. The following classification schedule shall apply for staff employees:

<u>Title</u>	<u>Class Number</u>	<u>Group</u>	<u>Salary and Step Range</u>
Clerk I	0051	02	660(1)- 680(2)- 702(3)
Messenger	0011	02	724(4)- 746(5)- 769(6)
Clerk Typist II	0106	04	746(1)- 769(2)- 793(3)
Stenographer I	0126	04	818(4)- 845(5)- 871(6)
Secretary II	0133	05	898(5)- 926(6)- 957(7)
Secretary III	0135	07	1018(5)-1052(6)-1087(7)
Admin. Secretary	0138	09	1160(5)-1200(6)-1239(7)
Info. Spec. I	1892	14	1415(1)-1463(2)-1511(3)
Admin. Tech. I	1501	08	1087(5)-1122(6)-1160(7)
Admin. Tech. II	1502	11	1281(4)-1324(5)-1369(6)
Admin. Tech. III	1503	13	1415(3)-1463(4)-1511(5)
Admin. Tech. IV	1504	15	1615(3)-1669(4)-1726(5)
Info. Spec. II	1893	16	1669(2)-1726(3)-1782(4)
Attorney III	3533	17	1726(1)-1782(2)-1842(3)
Research Asst. II	1517	13	1563(6)-1615(7)-1669(8)
ADP Equip. Oper. I	0221	07	898(1)- 956(3)-1018(5)
Rep. Equip. Oper. I	0309	09	1018(1)-1087(3)-1160(5)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be permitted to subscribe for newspapers as necessary to be paid out of the contingent fund, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 2,000 Journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 Journals shall be furnished the members of the House.

It is further recommended that the Legislative Reference Library be furnished 60 copies of the daily Journal.

It is further recommended that all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the 67th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for the payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, members of the Senate, and employees of the Senate committees upon presentation of a payroll account signed by the President of the Senate and the Secretary of the Senate; for payment of employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies and expenses of the Senate, including travel expenses for members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate.

It is further recommended that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate and they shall not without permission receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a.m., and one o'clock p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Chairman of each standing committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, and to discharge the duties of said standing committee, subject to the approval of the Administration Committee.

It is further recommended that no employee of the Senate, except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, after the performance of which he shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,

MAUZY
Chairman of the Caucus

BROOKS
Secretary of the Caucus

The resolution was read and was adopted.

MOTION IN WRITING

Senator Mauzy submitted the following Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate is organized and ready for business.

MAUZY

The Motion in Writing was read and was adopted.

The President announced the appointment of the following as a committee to notify the Governor: Senators Doggett, Leedom, Mengden, Parker and Truan.

MOTION IN WRITING

Senator Mauzy submitted the following Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) Members to notify the House of Representatives that the Senate is organized and ready for business.

MAUZY

The Motion in Writing was read and was adopted.

The President announced the appointment of the following as a committee to notify the House of Representatives: Senators Blake, Jones, Mauzy, McKnight and Snelson.

STANDING COMMITTEES

The President announced that the Standing Committees of the 67th Legislature would continue for the First Called Session.

SPECIAL COMMITTEE APPOINTMENTS

The President announced the following Special Committee Appointments:

NATIONAL CONFERENCE OF STATE LEGISLATURES**Assembly on the Legislature**

Ethics, Elections and Reapportionment	Ogg (Alternate, Doggett)
Fiscal Affairs and Oversight	McKnight (Alternate, Brown)
Legislative Information Needs	Harris (Alternate, Kothmann)
Legislative Management	Snelson (Alternate, Blake)
Science and Technology	Williams (Alternate, Travis)

State Federal Assembly

Committee on Education	Mauzy (Alternate, Uribe)
Committee on Energy	Mengden (Alternate, Caperton)
Committee on Government Operations	Jones (Alternate, Meier)
Committee on Human Resources	Brooks (Alternate, Truan)
Committee on Law and Justice	Farabee (Alternate, Glasgow)
Committee on Natural Resources	Howard (Alternate, Santiesteban)
Committee on Rural Development	Short (Alternate, Sarpalius)
Committee on Transportation	Parker (Alternate, Richards)
Committee on Urban Development	Vale (Alternate, Leedom)

SOUTHERN LEGISLATIVE CONFERENCE
OF
THE COUNCIL OF STATE GOVERNMENTS
APPOINTMENTS TO CONFERENCE COMMITTEES
1981-82

COMMITTEE	SENATE
EXECUTIVE	Traeger, Farabee
AGRICULTURE AND RURAL DEVELOPMENT	Kothmann (Alternate, Short)
CONSUMER PROTECTION	Doggett (Alternate, Caperton)
CRIMINAL JUSTICE	Santiesteban (Alternate, Glasgow)
ENERGY	McKnight (Alternate, Snelson)
ENVIRONMENTAL QUALITY AND NATURAL RESOURCES	Mengden (Alternate, Brown)
FEDERAL PREEMPTION	Parker (Alternate, Uribe)
FISCAL AFFAIRS AND GOVERNMENT OPERATIONS	Meier, Jones (Alternates, Blake and Howard)
HUMAN RESOURCES AND URBAN DEVELOPMENT	Brooks (Alternate, Truan)
TRANSPORTATION	Harris (Alternate, Williams)

SOUTHERN LEGISLATIVE CONFERENCE/SOUTHERN GROWTH
POLICIES BOARD
STATE LEGISLATORS NETWORK

(The Appointing Authorities in each State are requested to appoint one House member and one Senate member from each of their congressional districts to serve as liaisons to the region's congressional delegation in order to ensure that the South participates fully in preparing national policies, especially where formulas and regulatory measures are involved.)

CONGRESSIONAL DISTRICT	SENATE APPOINTEE
Hall	Howard

Wilson	Blake
Collins	Harris
R. Hall	McKnight
Mattox	Leedom
Gramm	Caperton
Archer	Mengden
Fields	Williams
Brooks	Parker
Pickle	Doggett
Leath	Jones
Wright	Meier
Hightower	Sarpalius
Patman	Wilson
de la Garza	Uribe
White	Santiesteban
Stenholm	Farabee
Leland	Ogg
Hance	Short
Gonzales	Vale
Loeffler	Snelson
Paul	Richards
Kazen	Traeger
Frost	Mauzy

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1 by Ogg Committee of the Whole Senate
Relating to apportionment of the state into congressional districts.

S.B. 2 by Traeger Intergovernmental Relations
Relating to creation of the County Court at Law of Atascosa County. ~

S.B. 3 by McKnight, Mauzy Committee of the Whole Senate
Relating to apportionment of the state into congressional districts.

S.B. 4 by Howard, Sarpalius, Short Finance
Relating to the creation, administration, and operation of financial assistance and guaranty programs for water conservation, water development, water quality enhancement, flood control, or any combination of these purposes.

S.B. 5 by Wilson, Andujar, Brown, Glasgow, Harris, Howard, Leedom, Meier, Mengden, Ogg, Richards, Sarpalius, Travis, Williams, Truan
Human Resources
Relating to the regulation of the practice of medicine and continuation of the Texas State Board of Medical Examiners; providing penalties.

S.B. 6 by Jones	Finance
Relating to revising various provisions of law governing the property tax and its administration.	

S.B. 7 by Brooks, Harris Human Resources
Relating to continuation of the Texas State Board of Examiners of Licensed
Psychotherapists, formerly known as the Texas State Board of Examiners in
Social Psychotherapy, and regulation of psychotherapists, formerly known as
social psychotherapists.

S.B. 8 by Doggett Human Resources
 Relating to the regulation of the practice of medicine and continuation of the
 Texas State Board of Medical Examiners; providing penalties.

S.C.R. 1 by Traeger Administration
Granting Mission Insurance Company permission to sue the State.

S.C.R. 2 by Ogg **Administration**
Granting George R. Brown permission to sue the State.

S.C.R. 3 by Brooks Administration
Granting Schaefer Diving Company permission to sue the State.

S.J.R. 1 by Williams, Kothmann State Affairs
Proposing a constitutional amendment to authorize the issuance of additional bonds or obligations of the state for the veterans' land fund.

S.J.R. 2 by Williams, Kothmann State Affairs
Proposing a constitutional amendment to increase the maximum interest rate allowable on veterans' land fund bonds.

S.J.R. 3 by Howard, Sarpalius, Short Finance
Proposing a constitutional amendment to dedicate excess state revenue to certain special funds, to authorize state guarantee of certain local government obligations, and to increase the allowable interest rate on certain bonds.

S.J.R. 4 by Snelson

Finance

Amending the constitution to reduce the existing state ad valorem tax and to provide for building programs at state institutions of higher education.

S.J.R. 5 by Snelson

Finance

Amending the constitution to repeal the existing state ad valorem tax and to provide for building programs at state institutions of higher education.

HOUSE NOTIFIED

The Committee to notify the House that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Mauzy for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The President discharged the Committee.

ELECTION OF PRESIDENT PRO TEMPORE FOR FIRST CALLED SESSION OF THE SIXTY-SEVENTH LEGISLATURE

The President announced the election of a President Pro Tempore for the First Called Session, 67th Legislature as the next order of business.

On motion of Senator Mauzy and by acclamation, Senator Ogg was elected to serve as President Pro Tempore for the First Called Session, 67th Legislature.

RECESS

On motion of Senator Mauzy the Senate at 12:19 o'clock p.m. took recess until 2:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
July 13, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 4, Granting either house permission to adjourn for more than three days.

H.C.R. 5, Expressing appreciation to the Knights of Columbus for its 100 years of service.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 4

The President laid before the Senate the following resolution:

H.C.R. 4, Granting either house permission to adjourn for more than three days from a period from July 13, 1981, to August 11, 1981.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE CONCURRENT RESOLUTION 5

The President laid before the Senate the following resolution:

H.C.R. 5, Expressing appreciation to the Knights of Columbus for 100 years of service.

The resolution was read.

On motion of Senator Wilson and by unanimous consent, the resolution was considered immediately and was adopted.

GUEST PRESENTED

Senator Andujar was recognized and presented Dr. R. D. Satterwhite of Fort Worth.

Dr. Satterwhite, "Physician for the Day", was welcomed by the Senate.

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Santiesteban and by unanimous consent, the Senate at 3:50 o'clock p.m. agreed to resolve into the Committee of the Whole Senate.

The President appointed Senator Santiesteban as Chairman of the Committee of the Whole Senate.

IN LEGISLATIVE SESSION

The President called the Senate to order at 5:08 o'clock p.m. as In Legislative Session.

MEMORIAL RESOLUTIONS

S.R. 2 - By Mauzy: Memorial resolution for Katie Yancy.

S.R. 4 - By Snelson: Memorial resolution for Mrs. Guy Rachal.

S.R. 5 - By Snelson: Memorial resolution for O'Neal Dendy.

S.R. 6 - By Snelson: Memorial resolution for Mr. Ira R. Hutchinson.